

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

TOUCHPOINT SOLUTIONS, INC.,
Plaintiff,

v.

EASTMAN KODAK COMPANY,
Defendant

Civil Action No. 04-11014-NMG

**ASSENTED TO MOTION FOR AN EXTENSION OF TIME TO FILE TOUCHPOINT
SOLUTIONS, INC.'S OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

TouchPoint Solutions, Inc. ("TouchPoint") hereby requests an extension of time to file its Opposition to Defendant Eastman Kodak Company's ("Kodak") Motion to Dismiss filed on August 13, 2004. TouchPoint requests that it be permitted to file its Opposition on or before September 20, 2004. In support of its request, TouchPoint states as follows:

1. This is TouchPoint's first request for an extension of time to file an Opposition.
2. Pursuant to this Court's Expedited Discovery Order dated August 19, 2004, the parties are both heavily involved in expedited discovery in preparation for the hearing on TouchPoint's Motion for A Preliminary Injunction scheduled for September 10, 2004.
3. Pursuant to Local Rule 7.1(b)(2), TouchPoint's Opposition to Kodak's Motion to Dismiss is due on August 27, 2004, in the midst of the expedited discovery period. Due to the time constraints imposed by the Expedited Discovery Order, TouchPoint's counsel will be unable to prepare a timely Opposition.

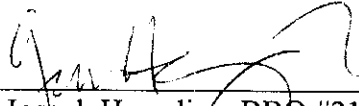
4. Counsel for Kodak, Robert Calihan, has assented to TouchPoint's request for an extension of time until September 20, 2004 to file its Opposition.

WHEREFORE, TouchPoint respectfully requests that this Court grant its Motion and permit TouchPoint to file its Reply on or before September 20, 2004, or to grant such additional and/or alternative relief as the Court deems just and appropriate.

Respectfully submitted,

TOUCHPOINT SOLUTIONS, INC.,

By its attorneys,

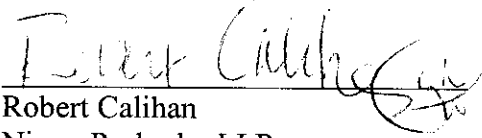


H. Joseph Hameline, BBO #218710
Geri L. Haight, BBO #638185
Mintz, Levin, Cohn, Ferris,
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Boston, MA 02111
617-542-6000

Assented to:

EASTMAN KODAK COMPANY,

By its attorneys,



Robert Calihan
Nixon Peabody, LLP
Clinton Square
Rochester, NY 14603
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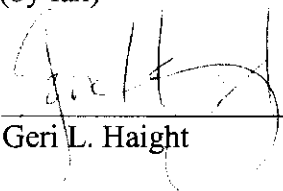
Dated: August 14, 2004

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of August, 2004, I caused the foregoing *Assented To Motion For An Extension Of Time To File Touchpoint Solutions, Inc. 's Reply To Defendant's Motion To Dismiss* to be served by hand on the following:

Nicholas G. Papastavros, Esquire
Nixon Peabody LLP
100 Summer Street
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Robert Calihan
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Rochester, NY 14603
(by fax)



Geri L. Haight